

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DAVID EDWARD POPLIN, JR.,

Plaintiff,

v.

No.: 3:12-cv-164  
(VARLAN/GUYTON)

DAVID OSBORNE, et al.,

Defendants.

**MEMORANDUM**

In this *pro se* prisoner's civil rights action, the plaintiff was ordered to show cause why this action should not be dismissed for failure to prosecute and to comply with the orders of this Court. [Doc. 22]. The plaintiff has failed to respond to the Court's order within the time required. Accordingly, this action will be **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the orders of the Court. Rule 41(b) of the Federal Rules of Civil Procedure. *See Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Carver v. Bunch*, 946 F.2d 451 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE